



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ian James Day and James Patrick Evans

Serial No.: 09/936,960

Filing Date: September 18, 2001

Title: **ENCLOSURE FOR HARDWARE**

Our File: BAC-116-A

**CERTIFICATE OF MAILING AND COVER LETTER**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith are the following: (1) a "Renewed Petition for Revival of An Application for Patent Abandoned Unavoidably Under 37 CFR 1.137 (a)"; Declaration of Arnold S. Weintraub; (3) this "Certificate of Mailing and Cover Letter"; and (4) a Self-Addressed and Stamped Postcard.

X No additional fee is required (Original Petition fee paid on 3/8/05).

       Check in the amount of \$\_\_\_\_ is attached

X Please also charge any additional fees which may be required and/or credit any overpayments to this Deposit Account No. 50-2815.

**Certificate of Mailing (37 CFR 1.8 (a))** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition; Commissioner for Patents; P. O. Box 1450; Alexandria, VA 22313-1450 on April 20, 2005.

  
Rachel M. Snyder



DAC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ian James Day and James Patrick Evans  
Serial No. 09 / 936,960  
Issued: September 18, 2001  
Title: ENCLOSURE FOR HARDWARE  
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RECEIVED  
APR 22 2005  
CUSTODIAN

#6

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

12 JUL 2005

Legal Staff  
International Division

Sir:

Responsive to the Decision on Petition of March 25, 2005 please enter the following renewed petition:

In the Decision on Petition, the Office denied same on the basis that:

1. No statement by the Practitioner that the Office Action was not received was included;
2. No Statement attesting to a search of the file jacket and docket records indicating that the Office Action was not received, and
3. A copy of the docket record where the non-received Office Action would have been entered had it been received. According to the Office, item 1 has not been satisfied and there was no statement that a search of the file jacket and docket records indicates that the Office Action was not received and the Office required a copy of the docket record. First, it is submitted that the filing of the Petition and the Statement by Applicant's Attorney contained within the communication would have satisfied the requirement that the

Ref: 07/19/2005 CSM001  
Date: 04/22/2005 Name/Number: 09936960  
Office: USPTO

4. The docket record is maintained electronically in a docketing program entitled IPMaster sold by Master Data Center, which is a recognized Patent and Trademark docketing software. The file is identified as BAC-116-A which is the internal code that Applicant's Attorney's office uses to identify this file.

5. Also appended hereto are copies of the manual docket records backup from the, then, IP practice group of Plunkett & Cooney P.C. for the months of November and December of 2001 and January of 2002. Plunkett & Cooney, P.C. is the office from which the undersigned filed this application. These manual backup records fail to show the docketing of a need for a reply for this file, thereby indicating that the Notification was never received.

**FURTHER AFFIANT SAYETH NAUGHT**

Subscribed and sworn to before me this  
19<sup>th</sup> day of April, 2005

Michelle K Novak  
Notary Public, Oakland County, Michigan

My Commission Expires: 01-11-07  
MICHELLE K. NOVAK Acting in Oakland Co.  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Jan 11, 2007

Arnold S. Weintraub  
ARNOLD S. WEINTRAUB



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ian James Day and James Patrick Evans  
Serial No. 09 / 936,960  
Issued: September 18, 2001  
Title: ENCLOSURE FOR HARDWARE  
Our File: BAC-116-A

**DECLARATION**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Arnold S. Weintraub, being first duly sworn and opposed swear that:

1. I am the attorney in charge of the above application.
2. I have reviewed the Petition on Decision of March 25, 2005 and assert the following:
  - (a) The Office Action identified as a Notification of Missing Requirements was not received; and
  - (b) I have personally reviewed the entire file jacket of this application and nowhere within it is the Notification of Missing Requirements that has been indicated by the Office as being sent on 8 November, 2001.
3. Appended hereto is a copy of the docket record for the file in question. If the Office Action had been received it would have been entered into the docket for response.

Office Action was never received. However, to that end appended hereto is a declaration of Applicant's Attorney stating that the Office Action had not been received.

Also, included herewith is Applicant's Attorney's statement that the entire jacket file has been reviewed and the Notice is not present therewithin.

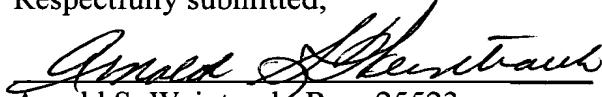
Finally, appended hereto is a copy of the docketing sheets.

Applicant's Attorney uses a computer software docketing program supplied by Master Data Centers entitled IP Master, an accepted patent docketing system, for maintaining all the docketing. It will be seen that there is no entry for receipt of the Office Action.

The printout identifies the file by Applicant's Attorney's internal code as well as the numeric code of the file as of the time he was associated with the firm Plunkett & Cooney, P.C. Both of these have been highlighted.

It is believed that all requirements for the Petition to withdraw the Holding of Abandonment have now been met.

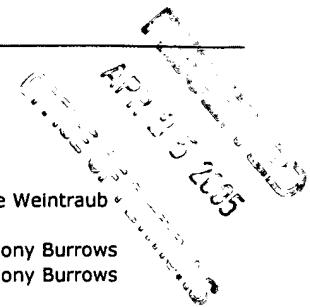
Respectfully submitted,

  
Arnold S. Weintraub, Reg. 25523  
The Weintraub Group, P.L.C.  
32000 Northwestern Highway, Suite 240  
Farmington Hills, MI 48334  
Phone: (248) 865-9430  
FAX: (248) 865-9436

Dated: April 19, 2005



Patent: BAC-116-A, United States, Regular, National,  
Original Filing



## Patent Data

Docket Number	BAC-116-A	Attorney	Arnie Weintraub
Country	United States	Agent	
Case Type	Regular	Client\Division	Anthony Burrows
Relation Type	Original Filing	Current Owner	Anthony Burrows
Filing Type	National	Previous Owner	
Filing Number		Client\Matter	12513.14938
Status	Filed	First Filing Date	3/18/1999
Sub Status		Sub Status Date	
Parent Country	Patent Cooperation Treaty	Parent Filing Date	3/20/2000
Parent Number		Parent Grant Date	
Application Number	09/936960	Application Date	9/8/2001
Patent Number		Grant Date	
Publication Number		Publication Date	
Assigned		Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	WEIP	Customer Name	Weintraub Group

## Title

ENCLOSURE FOR HARDWARE

## Description

### Current Expense Information

## Other Case-Related Information

### Actions

Action	Action Due Date	Mailed Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
Notice of abandonment		10/20/2004					Mailed by PTO
Override, No Validation			3/8/2005				Petition to Revive an abandoned Patent filed on 3/8/2005
Published	9/18/2000						
Info Discl. Statement	12/8/2001						

Override, No 5/25/2005 3/25/2005  
Validation

Decision on petition received on  
3/25/2005, reconsideration must be  
filed by 5/25/2005

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CreateUser: KVA

CreateDate: 11/1/2001

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UpdateUser: rsnyder

UpdateDate: 3/30/2005

WEEK STARTING 11-1-01

APR 22 2005

JC101

## ENDING

11-2-01

WEEK STARTING 11-3-01

ENDING 11-4-01

DUE DATE	ATTY.	OUR REF.	NATURE OF ACTION	DISPOSITION
11-3-01	ASW	JCK-100-A-Canada	Maint fee Due today	
11-3-01	ASW	R60-101-T2	Status Inquiry	
11-3-01	ASW	Canada	REQUEST for examination	
11-3-01	ASW	JCL 100 A	Contact client re: annuity due 11/5/02	
11-5-01	ASW	MLO-105-A-CAN	Contact client re: annuity due 11/8/02	
11-8-01	ASW	MLO-161-C-CAN	re: annuity due 11/8/02	
11-3-01	ASW	MFI-100-TM	O/A response due today	
11-3-01	ASW	WCD-111-T2	O/A response due today	
11-3-01	ASW	MDH-111-T2	O/A response due today	
11-3-01	ASW	MLO-145-A	Status of petition to Parwne?	
11-4-01	ASW	RNA-105-TM	O/A response due today	
11-8-01	ASW	EXT-114-A	Contact client	Maint fee due today
11-9-01	ASW	MRP-100-A-CAN	re: annuity due 11/9/02	
11-6-01	ASW	GJM-102-T2	Contact client re O/A due 11/6/02	
11-6-01	ASW	MLO-168-A-CAN	Maint fee Due	
11-10-01	ASW	TOP-100	Discovery period to close	
11-10-01	ASW	BJU-101-A-Canada	Maintenance fee due	
11-10-01	ASW	SIR-100-P	FF & Completion date	
11-10-01	ASW	TTI-101-A	Issue fee/Drawings Due	
11-9-01	ASW	MJA-268-TT	Expiration of Pub- 2 mo. to 11/10/01 date	
11-9-01	ASW	MJA-268-A-1		
11-9-01	ASW	MJA-269-A	Expiration of Pub-	

WEEK STARTING

11/11/01

ENDING

11/12/01

DUE DATE	ATTORNEY	OUR REF.	NATURE OF RESPONSE
11-11-01	ASW	MLD-161-B	REVIEW
11-13-01	ASW	MJA-272-T2	Review re O/A due 12/13/01
11-12-01	ASW	CCT-100-D-CAN	Maint. Fee Due
11-12-01	ASW	MJA-282	Discovery Classes
11-14-01	EXT-123-C	-	Maint. file due 1 mo.
11-16-01	ASW	SKJ-101-T2	cont. cl.
11-16-01	ASW	SKJ-100-TM	Contract cl.
11-16-01	ASW	MLD-109-B-CAN	Maint. Fee Due
11-15-01	ASW	MFI-101-TM	Resp to O/A due today Associate to pay M/F unless instructed otherwise
11-12-01	ASW	MAR-100-A PCT-ESTATE	
11-16-01	ASW	GJM-108-T2	Contact client re O/A due 11/16/02
11-16-01	ASW	CAA-100-P	Convention date (A)
11-16-01	ASW	BAE-111-T2- <del>000</del>	O/A due today
11-18-01	ASW	SRS-109-TM	Review re O/A due 11/18/01
11-18-01	ASW	SRS-102-TM	Review re O/A due 11/18/01
11-17-01	ASW	MLD-100-A	Contact client 1 mo to O/A due
11-20-01	ASW ASW	HKS-100-A-CAN	Review re O/A due 11/20/02
11-20-01	ASW	FDS-100-A-CAN	Contact client 1 mo to O/A due 11/20/02
11-20-01	ASW	SRS-108-TM	Review re O/A due 11/20/02
11-19-01	ASW	HHW-102-T2	cont. cl.
11-19-01	ASW	NSA-109-A	2 mo to R/O/A due
11-21-01	ASW	WMI-104-A	R/O/A due 1 mo
11-22-01	ASW	SRS-106-TM	Review re O/A due 11/22/01
11-22-01	ASW	ROI-101-P	2 mo. to ff /Cmp due date
11-23-01	ASW	MLD-187-A-CAN	Contact client re anomaly
11-23-01	ASW	BAC-109-T2	Exp. Date of Pmt. due 11/23/02
11-24-01	ASW	PRP-110-P	cont. cl. re non comp
11-22-01	ASW	BAC-113-T2	2 mo to O/A due

**WEEK STARTING**

11-25-01

## ENDING

**WEEK STARTING**

1201-01

ENDING

DUE DATE	ATTORNEY	OUR REF.	NATURE OF RESPONSE
12-1-01	ASW	GBU-108-A-1	Open file for prosecution
12/01/01	ASW	GBU-108-A	Review (Maint. Fee)
12-1-01	ASW	ICC-100-A	Have we heard from USPTO?
12/12/01	ASW	MJA-113-TM-CAN	Cont. client re: resp. to off due 2/16/02
12-5-01	ASW	ML0-115-F-CAN	Exam fee + 6 mo maint fee due 1 mo
12-5-01	ASW	ESS-100-P	9 mo. reminder
12-4-01	ASW	V6A-101-A-CAN	Contact client re: annuity due 2/4/02
12-5-01	ASW	ML0-105-A-CAN	Review re: annuity due 1/5/02
12-8-01	ASW	ML0-161-C-CAN	Review re: annuity due 1/8/02
12-7-01	ASW	MES-12-A-	Send client letter re 5 yr fee due 03/07/02
12-06-01	ASW	GJM-102-T2	Contact client re 01A due 1/6/02
12-8-01	ASW	EMR-117-TM-CAN	Resp. to 01A
12-9-01	ASW	MRP-100-A-CAN	Review re: annuity due 1/9/02
12-10-01	ASW	DDT-100-T2	Contact cl. (Resp. due 2/10/02)
12-10-01	ASW	TTI-101-A	Issue fee / Formal Drawings Due
12/12/01	ASW	ICC-100-A-1	Foreign Filing due date
12-9-01	ASW	NSA-108-A-1	R/I/O/A due 1 mo.

WEEK STARTING	DUE DATE	ATTY.	OUR REF.	NATURE OF ACTION	ENDING	DISPOSITION
	12-13-01		FD B-100-A Canada	Application to be laid + open for public inspection		
			MJA-272-T2			
	12-13-01			Response to O/A due today Review re O/A due 1/16/02		
	12-16-01	ASW	65M-108-T2	Marit. fee due		
	12-17-01	ASW	EXT-123-C	O/A due date		
	12-17-01	ASW	IVI-100-A	O/A response due today		
	12-18-01	ASW	SRS-109-Tm	O/A response due today		
	12-18-01	ASW	SRS-102-Tm	O/A response due today		
	12-19-01	ASW	MLD-101-B- CANADA	Contract client Re: Arrears due 2/19/02		
	12-19-01	ASW	CAE-107-A- CANADA	2 mo to O/A due		
	12-19-01	ASW	CAN	Review re arrears due 1/20/02		
	12-20-01	ASW	HKS-100-A CANADA	O/A response due today		
	12-20-01	ASW	SRS-108-Tm	O/A response due today		
	12-22-01	ASW	SRS-106-Tm	O/A response due today		
	12-20-01	ASW	FDS-100-A CAN	Review re: arrears due 1/20/02		
	12-23-01	ASW	MLD-187-A- CAN	Review re: arrears due 1/23/02		
	12-22-01	ASW	BAC-113-D	2 mo to O/A due		
	12-22-01	ASW	ROF-101-P	1 mo. to ff/ Comp due date		
	12-28-01	ASW	CAE-115-A- SWITZERLAND	Contract client re arrears due 2/28/2002		
	12-28-01	"	CAE-115-A- SWEDEN	"	"	
	12-28-01	ASW	CAE-115-A- ITALY	Contract client re arrears due 2/28/02		
	12-26-01	ASW	MLD-115-B CANADA	Contract client re arrears due 2/26/02		
			SIT-102-Tm	O/A response due today		

WEEK STARTING	DUE DATE	ATTY.	OUR REF.	ENDING NATURE OF ACTION	DISPOSITION
	12-12-01	ASW	ML0-239-P	contact client re completion of filing	
	12-19-01	ASW	ML0-110-B-Des.	FP2	
	12-17-01	ASW	GLD-101-T2	cont. d. (OA due 2/17/02)	
	12-17-01	ASW	GLD-102-TM	cont. d. (OA due 2/17/02)	
	12-22-01	ASW	BAC-113-D	1 mo to R/O/A	
	12-23-01	ASW	PIS-103-TM	contact client	
	12-20-01	ASW	WBI-100-T2-Lm	cont. d.	
	12-21-01	ASW	WMI-104-A	R/O/A due	
	12-21-01	ASW	WMI-105-A	R/O/A due	
	12-28-01	ASW	SWB-101-T2	cont. d. re. OA due 2/28/02	
	12-28-01	ASW	GLD-103-T2	cont. d. re. OA due 2/28/02	
✓	12/31/01	ASW	EOI-110-T2	FP2	
✓	12/30/01	MSG	NAR-102-T2	1 mo to statement of use due	
	12/31/01	ASW	AMG-102-T2		
	12/31/01	ASW	EOI-109-TM	FP2	

## WEEK STARTING

1-01-02

## ENDING

1-02-02

## WEEK STARTING

1-03-02

## ENDING

1-04-02

WEEK STARTING

1-05-02

ENDING

1-06-02

DUE DATE	ATTY.	OUR REF.	NATURE OF ACTION	DISPOSITION
1-5-02	ASW	MLD-115-F CANADA	Examination Request. One date (or it will abandon)	
1-5-02	1	1	6 year fee also due	
1-06-02	ASW	FDS-100-A	Review	
1-6-02	ASW	MLD-213-A CAN	Contract closed re: annuity see 4/6/02	
1-6-02	ASW	GJM-102-T2	O/A due today	

WEEK STARTING 1-07-02

ENDING 1-08-02

**WEEK STARTING**

1-09-02

## ENDING

1-10-02

## WEEK STARTING

1-11-02

## ENDING

1-12-02

## WEEK STARTING

1-13-02

## ENDING

1-14-02

WEEK STARTING 1-13-02

ENDING 1-16-02

## **WEEK STARTING**

1-17-02

## ENDING

1-18-02

WEEK STARTING

1-19-02

ENDING

1-20-02

DUE DATE	ATTY.	OUR REF.	NATURE OF ACTION	DISPOSITION
1/19/02	ASW	MLO-161-B-AN	Review re annuity due 1/19/02	
1/19/02	ASW	CAS-107-A-CAN	" " "	
1/19/02	ASW	MLO-110-B-Des.	Convention Deadline	
1-19-02	ASW	HHW-102-T2	Resp. to SA Due	
1-19-02	ASW	NSA-109-A	R/D/A due	
1-20-02	ASW	FDS-100-A-CAN	Arrency due today	
1-20-02	ASW	HKS-100-A-CAN	Arrency due today	
1-20-02	ASW	WBI-100-T2-CAN	Stmt of Use Due	
1-20-02	ASW	PTS-132-TM	Cont cl. w/ (A) due 3/20/02	
1-20-02	ASW	FJR-100-T2	Cont cl. w/ (A)	

## WEEK STARTING

1-21-02

## ENDING

1-22.02

## **WEEK STARTING**

1-23-02

## ENDING

1-24-02

## WEEK STARTING

1-25-02

## ENDING

1-26-02

WEEK STARTING

1-27-02

ENDING

1-28-02

DUE DATE	ATTY.	OUR REF.	NATURE OF ACTION	DISPOSITION
1-28-02	ASW	CAB-115-A SWITZERLAND	Contact client re annuity due 2/28/02	
1-28-02	ASW	CAB-115-A- SWEDEN	" "	
1-28-02	ASW	CAB-115-A- Italy	Contact client Review annuity due 2/28/02	
1-28-02	ASW	MGJ 103-A-DCT S. Africa	Renewal Annuity Due today?	

## WEEK STARTING

1-29-02

## ENDING

1-30-02

**WEEK STARTING**

1-31-02

## ENDING